

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BRIAN L. BROWN, )  
                        )  
                        )  
Plaintiff,         )  
                        )  
-vs-                 ) Case No. CIV-06-228-F  
                        )  
DON NARVAIS,         )  
                        )  
Defendant.         )

**ORDER**

On June 23, 2009, United States Magistrate Judge Gary M. Purcell issued a Second Supplemental Report and Recommendation (doc. no. 153), wherein he recommended that the Motion to Quash Subpoena filed by the Federal Bureau of Prisons (“BOP”) (doc. no. 145) be denied.

Presently before the court is the Objection to Second Supplemental Report and Recommendation filed by the BOP. Having conducted a de novo review of the matter in accordance with 28 U.S.C. § 636(b)(1), the court concurs with the recommendation of Magistrate Judge Purcell to deny the BOP’s motion. The court therefore accepts, adopts and affirms the recommended ruling to deny the BOP’s motion.

Although Magistrate Judge Purcell also recommends that the parties be directed to confer and present to the court an appropriate confidentiality agreement regarding disclosure of the sought-after information, the court concludes that the parties should confer and present an agreed protective order to the undersigned judge. If an appropriate protective order cannot be agreed to by the parties within fourteen days

of the date of this order, the parties shall submit their own respective proposed forms of protective order to the undersigned judge for consideration.

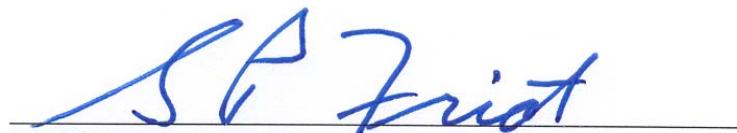
Accordingly, the Second Supplemental Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on June 23, 2009 (doc. no. 153) is **ACCEPTED, ADOPTED and AFFIRMED.**

The Motion to Quash Subpoena filed by the Federal Bureau of Prisons on June 23, 2009 (doc. no. 145) is **DENIED**.

The Federal Bureau of Prisons is directed to disclose within 20 days of the date of this order the name and address of the individual described by plaintiff in the subpoena directed toward Mr. J.D. Crook, General Counsel, Federal Transfer Center Oklahoma City.

The parties are directed to confer and present to the undersigned judge an agreed protective order within 14 days of the date of this order. If the parties cannot agree upon a protective order within the time prescribed, the parties shall submit their respective proposed forms of protective order to the undersigned judge for consideration.

Entered this 22<sup>nd</sup> day of July, 2009.



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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE